

#30
10/30/03
Dm**TESTA, HURWITZ & THIBEAULT, LLP**

ATTORNEYS AT LAW

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TELECOPY COVER SHEET

Equipment Operator Contact Number: 617-310-8078. Please call if you do not receive all the pages.

TO:	Date:	October 28, 2003
	Attention:	Dexter Morton
	Company:	United States Patent and Trademark Office Board of Patent Appeals and Interferences
	Address:	P.O. Box 1450 Alexandria, Virginia 22313-1450
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FROM:	Sender:	Carolyn E. Whyte
	Number of Pages INCLUDING This Cover Sheet:	8
	Client:	INK-039 (2108/36)

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OCT 28 2003**Comments:**

Dear Mr. Morton:

We received your facsimile reflecting a corrected Appeal Brief filing date in the Docketing Notice. We note that the Notice does not indicate receipt of a Reply Brief for this case, (a copy of your facsimile is attached). A copy of the Reply Brief filed in this case, including a copy of the return receipt postcard date-stamped June 2, 2003, are attached. Please correct your records accordingly. Please contact me if you have any questions.

Sincerely,

Carolyn E. Whyte
Testa, Hurwitz & Thibault, LLP
125 High Street
High Street Tower- 16th Floor
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T-827 P.001/002 F-829



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WASHINGTON, DC 20231
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Cover Sheet

DATE: 10/23/03

TO: Carolyn White

FAX #: 1(617) 790-0345

FROM: BOARD OF PATENT APPEALS & INTERFERENCES
(703) 308-9797 (Voice)

NUMBER OF PAGES (INCLUDING TRANSMITTAL SHEET): 2

REMARKS:

We have not received a Reply brief
on this case.

Oct-23-03 12:40pm From-USDOC Patent & Trademark Office

703-308-7952

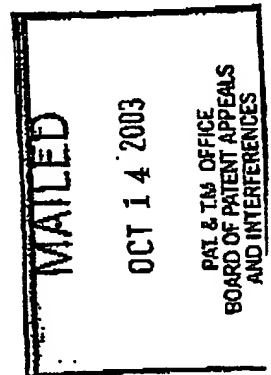
T-827 P.002/002 F-629

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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WASHINGTON, D.C. 20231
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TESTA, HURWITZ & THIBEAULT, LLP,
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

Paper No: 29
Appeal No: 2004-0103
Appellant: DRZAIC, PAUL
Application: 09/289,507



Board of Patent Appeals and Interferences Docketing Notice

Application 09/289,507 was received from the Technology Center at the Board on September 24, 2003 and has been assigned Appeal No: 2004-0103.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: January 21, 2003
Reply Brief filed on: None
Request for Hearing filed on: None

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

INK-039
(2108/36)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Transmittal Form (1 pg.); Reply Brief (2 pgs.); Certificate of First Class Mail (1 pg.); and this Return Receipt Postcard.

Name of Applicant: Drzaic, et al.

Intf. or Serial Number: 09/289,507

Atty: JDLanza/CEWhyte

Date: May 30, 2003

2631187

INK-039
(2108/36)

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Transmittal Form (1 pg.); Reply Brief (2 pgs.); Certificate of First Class Mail (1 pg.); and this Return Receipt Postcard.

Name of Applicant: Drzaic, et al.

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Atty: JDLanza/CEWhyte

Date: May 30, 2003

2631187

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PATENT
Attorney Docket No. INK-039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

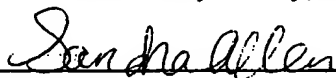
APPLICANT(S): Drzaic *et al.*
SERIAL NO.: 09/289,507 GROUP NO.: 2673
FILING DATE: April 9, 1999 EXAMINER: J.H. Nguyen
TITLE: Full Color Reflective Display with Multichromatic Sub-Pixels

U.S. PATENT
APPEALS &
INTERFERENCES

MAY 28 2003

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Appeal Brief Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of May, 2003.


Sandra Allen

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Reply Brief (2 pgs.); and a
3. Return Receipt Postcard.

TRANSMITTAL FORM

Application Serial Number	09/289,507
Filing Date	April 9, 1999
First Named Inventor	Drzaic
Group Art Unit	2673
Examiner Name	Jimmy H. Nguyen
Attorney Docket No.	INK-039
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

- ☐ Check Attached
☐ Copy of Fee Transmittal Form

☐ Amendment/Response

- ☐ Preliminary
☐ After Final
☐ Affidavits/declaration(s)
☐ Letter to Official Draftsperson including Drawings
 [Total Sheets _____]

☐ Petition for Extension of Time

☐ Information Disclosure Statement

- ☐ Form PTO-1449
☐ Copies of IDS Citations

☐ Certified Copy of Priority Document(s)

☐ Sequence Listing submission

- ☐ Paper Copy/CD
☐ Computer Readable Copy
☐ Statement verifying identity of above

☐ Copy of Notice to File Missing Parts of Application

☐ Formal Drawing(s)

☐ Request For Continued Examination (RCE) Transmittal

☐ Power of Attorney (Revocation of Prior Powers)

☐ Terminal Disclaimer

☐ Executed Declaration and Power of Attorney for Utility or Design Patent Application

☐ Small Entity Statement

☐ CD(s) for large table or computer program

☐ Amendment After Allowance

☐ Request for Certificate of Correction
☐ Certificate of Correction (in duplicate)

☐ Notice of Appeal to Board of Patent Appeals and Interferences

☐ Appeal Brief (in triplicate)

☐ Status Inquiry

☒ Return Receipt Postcard

☒ Certificate of First Class Mailing under 37 C.F.R. 1.8

☐ Certificate of Facsimile Transmission under 37 C.F.R. 1.8

☒ Additional Enclosure(s) (please identify below)

☒ Reply Brief to Examiner's Answer mailed April 7, 2003 (2 pgs.)

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OCT 28 2003


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Date: May 28, 2003
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Respectfully submitted,


 John D. Lanta
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 Boston, MA 02110

PATENT
Atty. Docket No. INK-039
(2108/36)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS: Drzaic *et al.*
SERIAL NUMBER: 09/289,507 ART UNIT: 2673
FILING DATE: April 9, 1999 EXAMINER: J.H. Nguyen
TITLE: Full Color Reflective Display with Multichromatic Sub-Pixels

REPLY BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

U.S. PATENT
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OCT 20 2003

Sir:

This is a reply to the Examiner's Answer mailed from the United States Patent and Trademark Office on April 7, 2003. This paper is submitted pursuant to 37 C.F.R. § 1.193(b)(1) within the two-month statutory period. The Examiner's Answer responds to the Appeal Brief filed by Appellants on January 21, 2003 in accordance with 37 C.F.R. §§ 1.191 and 1.192.

The Appellants' reply is for the limited purpose of addressing the objection to the drawings found on page 3 of the Examiner's Answer, which states:

"[a] proposed drawing correction or corrected drawings are required to reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance."

Specifically, the Examiner's Answer states that the drawings must show every feature of the invention specified in the claims 40, 63, 64, and 68.

Issues 1 and 2 of Appellants' Appeal Brief, filed January 21, 2003, contain arguments that claims 40, 63, 64 and 68 comply with the requirements of 35 U.S.C. § 112, first paragraph.

Appellants: Drzaic *et al.*
Serial No: 09/289,507
Filing Date: April 9, 1999

The Board of Patent Appeals and Interferences will determine, in issues 1 and 2, whether claims 40, 63, 64 and 68 are supported by the specification. Appellants submit that the Board of Patent Appeals and Interferences' decision regarding issues 1 and 2 of the Appeal Brief will determine whether the drawing corrections or corrected drawings sought by the Examiner are required on remand.


Attorney for the Appellants contacted the Examiner on April 25, 2003 to discuss the Examiner's objection to the drawings, quoted above. During the telephone call, the Examiner, Jimmy Nguyen, agreed that Appellant's did not need to file a drawing correction or corrected drawings to maintain the Appeal. The Examiner explained that this language was reproduced from a previous Office Action and that the Examiner does not require corrected drawings while the case is on Appeal. Accordingly, Appellants understand that the Appeal brief, as it stands, will proceed to the Board of Patent Appeals and Interferences.

Conclusion

Since this paper is submitted within the two-month statutory period for reply specified by 37 C.F.R. 1.193 (b)(1), Appellants believe that the present filing necessitates no fees. However, if any additional fees are due, the Commissioner is hereby authorized to charge any such fees to Attorney's Deposit Account No. 20-0531.

Respectfully submitted,

Date: May 28, 2003
Reg. No.: 40,060
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